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OFFICE OF PETITIONS

In re Application of :
Giustino et al. : DECISION NOTING JOINDER
Application No. 10/822,551 : OF INVENTOR AND PETITION
Filed: April 12, 2004 : UNDER 37 CFR 1.47(a) MOOT
Atty Docket No. 18894/04893 :

This is a decision on the "PETITION PURSUANT TO 37 C.F.R. § 1.47(a) ...," filed December 23, 2004. This decision is made in light of the "SECOND RESPONSE TO NOTICE TO FILE MISSING PARTS" filed April 15, 2005.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on April 12, 2004, with a declaration executed by inventors Giustino, Goslar, Liu and Becherer, but without the signature of inventor Bichler. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" mailed June 23, 2004, applicants timely filed the initial petition under § 1.47(a) (and \$200 petition fee) for acceptance of the declaration without the signature of inventor Bichler (along with the filing fees required in response to the Notice)¹.


¹ This response was made timely by an accompanying petition (and fee) for extension of time for response within the fourth month. Applicants thereby avoided abandonment of this application.

Prior to a decision being rendered on the petition, applicants filed a second response including a declaration executed by inventor Bichler. The declarations have been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the joint inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The application will be examined in Technology Center AU 2855 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions